

EXHIBIT N



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January 11, 2011

Re: **Enyart v. National Conference of Bar Examiners**
Proposed Preliminary Injunction Order

Dear Wendy,

This letter responds to NCBE's offer regarding alternatives to the availability of someone with administrative privileges, which you conveyed via telephone, today, following the conversation between the parties' technical advisors on Friday, January 7, 2011.

In our telephone call, you explained that NCBE's understanding is that no one knows what caused the problems that Stephanie described on the July and August exam administrations; that the problem would not have been fixed by the availability of someone with administrative privileges; and that the problem was resolved, because Stephanie was able to finish the exam. You indicated that what NCBE is willing to offer is the following:

- (1) An additional conversation between the parties' technical advisors, so long as the technical person is the same person who will assist Stephanie during her set-up and testing of the laptop and peripherals on February 17, 2011;
- (2) For NCBE to test the laptop with Stephanie's peripherals (monitor, keyboard, and mouse), if she will ship them, or if she will designate their make and model, to test the laptop with the same make and model peripherals insofar as they are available.

I asked if NCBE is willing to take responsibility for the working order of the hardware and software, such that when Stephanie sets up the laptop with her peripherals and it is not in working order, NCBE will be in violation of the court's order. You responded that NCBE absolutely is unwilling to agree to such a condition. You indicated that the language of the order would instead need to be the same as that negotiated for the purpose of prior orders: that NCBE does not guarantee the interoperability of

Stephanie's peripherals with the computer it provides. You reiterated that when the laptop leaves NCBE, it will be in working order, and that NCBE will not guarantee that it works once Stephanie adjusts it to her settings and sets up her peripherals.

NCBE's two counter-proposals do not address the problems with NCBE's laptop during Stephanie's prior exam administrations. More to the point, we seem to be unable to come to agreement about NCBE's responsibility to address such problems if and when they do occur. Because of this fundamental disconnect, our client will not accept NCBE's proposals.

As we indicated in our letter of January 5, 2011, failing our preference to resolve all issues regarding accommodations on the February MBE by stipulation, Stephanie will move for an injunction, now by January 14, 2011, as provided in the court's order granting our Motion to Shorten Time, to get the accommodations she needs in place in time for the February test administration.

With our January 5, 2011 letter, we provided both a draft stipulation that encompassed the question of administrative privileges, and one that addressed all other issues, while reserving Stephanie's right to pursue the question of administrative privileges by motion to the court. On January 6, 2011, you informed me that you would be getting comments regarding the draft stipulation from your client the following day, and were marking up the "motion" version. To date, we have not received any revised draft stipulation from NCBE. Please let us know whether you will sign the "motion" stipulation, once again attached, or whether Stephanie needs to pursue her other accommodations with the court, as well.

Sincerely,



Anna Levine

Enclosure (1)

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28 [add defense counsel to caption]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHANIE ENYART

Plaintiff,

v.

NATIONAL CONFERENCE OF BAR
EXAMINERS,

Defendant.

Case NO. C09-05191

**NOTICE OF STIPULATION AND
AGREEMENT BETWEEN STEPHANIE
ENYART AND NATIONAL
CONFERENCE OF BAR EXAMINERS
REGARDING FEBRUARY 2011
ADMINISTRATION OF MULTISTATE
BAR EXAM**

1 The parties to the above-captioned action, Plaintiff Stephanie Enyart and
 2 Defendant National Conference of Bar Examiners (hereinafter, "the Parties"), jointly
 3 stipulate and agree as follows:

- 4
- 5 1. With respect to the February 2011 administration of the California Bar exam,
 6 NCBE shall provide the State Bar of California, Committee of Bar Examiners
 7 (the "State Bar") with the Multistate Bar Examination ("MBE") loaded onto a
 8 laptop computer equipped with Windows XP, Word 2003, JAWS version 12
 9 and MAGic version 11 software, with the examination displayed in 14-point
 10 Arial font.
- 11 2. NCBE shall deliver the NCBE laptop to the State Bar for arrival on or before
 12 February 17, 2011, and request the State Bar to make the NCBE-provided
 13 laptop available to Ms. Enyart and a technical expert of her choice (the
 14 "technical expert") on February 17, 2011 for inspection and set-up. Inspection
 15 and set-up shall include permission to connect Ms. Enyart's monitor,
 16 keyboard and mouse (the "peripherals") to the NCBE laptop and to test the
 17 functionality of JAWS and MAGic to ensure that all software and hardware on
 18 the system are functioning properly.
- 19 3. NCBE shall request the State Bar to make the NCBE-provided laptop
 20 available to Ms. Enyart and a technical expert of her choice again on
 21 February 21, 2011 for set up in the secure testing area. Set up shall include
 22 permission to connect the peripherals to the NCBE laptop and to again test
 23 the functionality of JAWS and MAGic to ensure that all software and hardware
 24 on the system are functioning properly.
- 25 4. NCBE will make an NCBE representative knowledgeable about the
 26 configuration of the NCBE laptop available by telephone on February 17,
 27 2011 and February 21, 2011, at a pre-established, mutually convenient time
 28

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- 1 between 8:30 a.m. and 4:00 p.m. CST, to work with Ms. Enyart and the
2 technical expert on troubleshooting any technical or compatibility issues.
- 3 5. NCBE will permit the laptop computer to remain set up with the peripherals
4 connected in the testing room from February 21, 2011 through the
5 administration of the MBE to Ms. Enyart on February 26 and 27, 2011, with
6 storage and security of the NCBE laptop being ensured by State Bar
7 personnel. In the event the State Bar declines to provide any of the
8 accommodations specified in this order, counsel are to notify the court one
9 week prior to the date of the commencement of the Bar examination.
- 10 6. The State Bar shall be responsible for custody of, and access to, the laptop
11 once it is delivered to the State Bar. All decisions with respect to the
12 administration of the examination shall rest with the State Bar. The MBE shall
13 be administered by the State Bar with the above accommodations pursuant to
14 the Stipulation Regarding Dismissal Without Prejudice of Defendant State Bar
15 of California; Order Thereon filed with the Court on December 9, 2009.
- 16 7. Plaintiff shall post an additional cash bond in the amount of \$5,000 with the
17 Clerk of the Court by July 1, 2010, and deposited into the registry of the
18 Court.
- 19 8. Plaintiff reserves the right to move this Court for other modifications to the
20 prior injunctions issued in this case that are not covered by this stipulation.

21
22 Respectfully Submitted,
23

24
25 Dated: January __, 2011

DISABILITY RIGHTS ADVOCATES

26 By: /s/ Laurence Paradis
27
28

LABARRE LAW OFFICES, P.C.

By: /s/ Scott Labarre

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By: /s/ Daniel F. Goldstein

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